

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DONALD ISSA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 1:05-CV-394-TS
)	
PRIORITY TRANSPORTATION, LLC,)	
)	
Defendant.)	

OPINION AND ORDER

On August 22, 2006, the Court issued an Order regarding the Defendant's Motion to Reconsider. In that Order, the Court denied the Defendant's Motion but ruled that the Plaintiff's Response to the motion would be stricken as tardy. Now, the Plaintiff filed a motion to reconsider this decision by the Court. The Plaintiff submits that his Response was filed on the last possible day in accordance with L.R. 7.1 and Federal Rule of Civil Procedure 6(e). The Plaintiff does not request to alter anything else in the Order.

The Court agrees with the Plaintiff. Despite the fact that the Defendant's Motion and the Plaintiff's Response were filed electronically, the Federal Rule of Civil Procedure 6(e) allowed the Plaintiff three extra days, in addition to those prescribed by Local Rule 7.1, for filing the Response. The Court has reviewed the Plaintiff's Response and finds that, even if it considered the Response in its August 22 Order, the outcome of its decision would have been the same.

The Court grants the Plaintiff's Motion to Alter or Amend Court's August 22 Order [DE 39]. The August 22 Order [DE 38], striking the Plaintiff's Response to the Defendant's Motion to Reconsider [DE 37], is vacated *insofar as it relates to striking the Plaintiff's Response*. Otherwise, the Order stands as written and its holding regarding the Defendant's Motion to reconsider remains

unchanged.

SO ORDERED on August 25, 2006.

S/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT